

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
MANHATTAN DIVISION**

CASE NO.: 1:23-cv-01852-ER

ZURU INC.,

Plaintiff,

v.

THE INDIVIDUALS, PARTNERSHIPS,
AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED ON
SCHEDULE "A",

Defendants.

**STIPULATED CONSENT FINAL JUDGMENT AND PERMANENT INJUNCTION AS
TO DEFENDANT 52**

Plaintiff, ZURU INC. (“ZURU”) and Defendant listed on Schedule “A” to the Complaint as number 52 (Comforty) who is now identified as the individual, Qiongguo Qin (“Defendant”), hereby stipulate and agree to the entry of a Consent Final Judgment as follows:

1. Defendant No. 52, their officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with Defendant are hereby permanently restrained:

a. From manufacturing, importing, advertising, promoting, offering to sell, selling, distributing, or transferring any products bearing the registered trademarks: U.S. Reg. No. 4709630 (“BOB”), Reg. No. 4928737 (“FILL AND TIE”), and Reg. No. 6086014 (“BUNCHO”) (collectively, the “ZURU Marks”) or any confusingly similar trademarks; and

b. From secreting, concealing, destroying, selling off, transferring, or otherwise disposing of: (i) any products, not manufactured or distributed by plaintiff, bearing and/or using the ZURU Marks, or any confusingly similar trademarks; or (ii) any evidence relating to the manufacture, importation, sale, offer for sale, distribution, or transfer of any products bearing and/or using the ZURU Marks, or any confusingly similar trademarks; or (iii) any assets or other financial account subject to this Order, including inventory assets, in the actual or constructive possession of, or owned, controlled, or held by, or subject to access by, any defendant, including, but not limited to, any assets held by or on behalf of any defendant;

2. Defendant No 52, their officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with them shall immediately discontinue the use of the ZURU Marks, or any confusingly similar trademarks, on or in connection with all Internet based e-commerce stores owned and operated, or controlled by them.

3. Defendant No 52, their officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with them shall immediately discontinue, until further Order of this Court, the use of the ZURU Marks, or any confusingly similar trademarks, within domain name extensions, metatags or other markers within website source code, from use on any webpage (including as the title of any web page), from any advertising links to other websites, from search engines' databases or cache memory, and any other form of use of such terms that are visible to a computer user or serves to direct computer searches to Internet based e-commerce stores registered, owned, or operated by Defendant No 52.

4. Defendant No 52, their officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with them shall immediately

destroy any goods for sale in their possession bearing the ZURU Marks, or any confusingly similar trademarks.

5. Defendant No 52 acknowledges the validity and enforceability of Plaintiff's rights in the ZURU Marks and shall not act to contest the validity of, injure, or discredit Plaintiff's Marks, nor file any proceedings with the U.S. Patent & Trademark Office or with any court of law in the United States or in any country to challenge Plaintiff's rights in the ZURU Marks.

6. Violation of this permanent injunction shall expose Defendant No 52, and all others properly bound by it, to all applicable penalties.

7. Defendant No 52 shall pay Plaintiff (\$5,500) (Five Thousand Five Hundred Dollars) for which judgment is entered and execution may issue.

8. This Consent Final Judgment shall be conclusive for purposes of collateral estoppel regarding all issues that have been or could have been brought on the same operative facts.

9. This Court will retain continuing jurisdiction over this cause to enforce the terms of this Consent Final Judgment.

10. Marketplace Amazon shall return the account of Defendant No 52 back to unrestrained status, if not already done, in accordance with Amazon's operating procedures and contract for services with Defendant No 52.

DATED: May 12, 2023

/s/ Eliezer Lekht

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Counsel for Defendant Comforty

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE
HONORABLE EDGARDO RAMOS

New York, New York
May 15, 2023